UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,191	10/15/2003	Gregory B. Hale	58085-010201	7574

46560 7590 02/21/2007

THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
2450 COLORADO AVENUE SUITE 400E
SANTA MONICA, CA 90404

EXAMINER	
HARTMAN JR, RONALD D	
ART UNIT	**PAPER NUMBER**
2121	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,191	HALE ET AL.	
	Examiner	Art Unit	
	Ronald D. Hartman Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-23 and 28-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-23 and 28-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. However, the Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date.

The later-filed application must be an application for a patent for an invention that is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See Transco Products, Inc. v. Performance Contracting, Inc., 38 F.3d 551,32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 09/617,721, which is now U.S. Patent No. 6,889,098 and 09/372,405, which is now U.S. patent No. 6,173,209, both fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application.

The aforementioned applications fail to provide adequate support for the utilization of a cellular telephone for making reservations. It is also noted that upon an extensive textual search of both of the previously filed applications, "cellular" is never used whatsoever, in addition "wireless" or "wirelessly" is never used, and "telephone" is never mentioned as well. That is, there is explicit or implicit support for wirelessly, or through utilization of a cellular telephone, reserving times for an attraction. The only mention of telephone is to allow patrons to call one another, not to make the actual reservation for the attraction.

Furthermore, the only mention of a wireless feature is the utilization of RF (radio frequency) signals that may be used to validate the patron when they are trying to access the attraction at their reserved time. Nowhere do the aforementioned previously filed applications disclose utilizing a wireless device, or a cellular telephone, for making the actual reservations and therefore these features appear to represent new matter, with respect to the previously filed applications, and are believed to have been first presented with respect to the pending application.

That being said, any claims having these features will not be afforded the earlier filing date of the earlier filed applications as they do not provide proper support for these features, and therefore these claims will be afforded the filing date of the instant application, as this is represents the first time these features were disclosed, this filing date being 10/15/2003. This filing date is applicable to claims 20-23 and 29-38.

Therefore, the only claims which *were* originally afforded priority to the previously filed applications *were* independent claims 19 and 28; however, in light of the applicant's amendments to these claims to now include a feature wherein "the wait time of the second queue is less than the wait time of the first queue", these claims are not afforded the priority of 8/10/1999, 7/17/2000 OR 10/15/2003, since none of the previously filed applications, including the present application, provide explicit support for this feature. Therefore, the priority date for these claims, that is, for claims 19 and 28, becomes the date upon which these features were first presented, that being 12/8/2006.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 19-23 and 28-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 19 and 28, the newly filed feature of having "the wait time of the second queue is less than the wait time of the first queue" is not explicitly disclosed by the instant specification, nor by the specifications of 09/617,721, which is now U.S. Patent No. 6,889,098 or 09/372,405, which is now U.S. Patent No. 6,173,209.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-20, 22, 28-30 and 38 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Waytena et al., U.S. Patent No. 5,978,770.

As per claims 19 and 28, Waytena et al. teaches a method of managing access to an attraction in an entertainment environment, comprising:

- establishing a first queue by which one or more patrons may access the attraction in a first in first out order (e.g. ""physical queue"; C3 L56-57 and Figure 2 element "physical queue");
- establishing a second queue by which one or more patrons may access said attraction in a manner which avoids the first queue (e.g. "virtual queue"; C3 L50, C3 L57-60 and Figure 2 element 210 and/or "second entry", C21 L42-45);
- receiving from a patron a priority request for an allocation of a time of entry into the attraction via the second queue, the priority request being received at a

computer that determines a number of patrons allowed to enter the attraction (e.g. C3 L11-12);

- transmitting to the patron a response that includes available return times to the attraction, the available return times being derived from an available time to enter the attraction via the second queue determined by the computer (e.g. C3 L15-20);
- receiving a selection of a return time from the available return times, the selection being made by the patron in response to the transmitted available return times to the attraction (e.g. C3 L20-27); and
- permitting the patron to access the attraction via the second queue at a time indicated by the return time (e.g. C21 L42-55).

Furthermore, as per claim 28, Waytena et al. also teaches the distribution of media since Waytena et al. teaches patrons possessing the portable PCD's and/or the times distributed to the PCD's.

Also, the applicant makes no distinction as to what is meant by "presents the media" and therefore the examiner is left wondering what exactly this intended to convey. Presenting the media to what or who? For examination purposes, it will be interpreted to be the functional equivalent of Waytena et al.'s system and its disclosure of allowing a patron's PCD to be recognized when the patron utilizes the reserved time for a particular attraction by transmitting a PCD_ID signal (e.g. C21 L42-55).

Furthermore, as per the newly filed feature, with regards to both independent claims 19 and 28, reciting, "the wait time of the second queue is less than the wait time of the first queue", this feature is believed to represent a capability that the system of Waytena et al. inherently possesses the ability to perform.

That is, Waytena et al. provides for a scenario in which a patron reserves a time and then returns at that time to utilize the attraction, wherein other patrons may be waiting in a traditional waiting line. In this scenario, when the patron who holds the reservation redeems the reservation and thereby bypasses a patron waiting in the

traditional waiting line, this scenario anticipates this claimed feature since the wait time for the reservation line will be less than the wait time for the traditional waiting line.

As per claim 20, Waytena et al. teaches the patron entering a priority request on a wireless device (e.g. "PCD"; Figure 1 element 102).

As per claim 22, Waytena et al. further teaches the patron being provided access to the attraction based on a keying operation performed on a wireless device (e.g. "button clicking"; C14 L36-51).

As per claim 29, Waytena et al. further teaches distributing the media to a device in the customer's possession (e.g. transmitting potential and confirmed reservation times to the PCD; Figures 5A - 5E).

As per claim 30, the rejection of claim 22 is equally applied herein.

As per claim 38, Waytena et al further teaches displaying a return time for validation on a screen of a wireless device (e.g. Figures 5A - 5E).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 19-20, 22, 28-30 and 38 are rejected under 35 U.S.C. 103(a) as being obvious over Waytena et al., U.S. Patent No. 5,978,770.

As per claims 19 and 28, the same rational, as applied to the rejection of claims 19 and 28, from above, is applied herein.

Furthermore, as per the newly filed feature, with regards to both independent claims 19 and 28, reciting, "the wait time of the second queue is less than the wait time of the first queue", this feature is believed to represent an obvious capability that the system of Waytena et al. obviously possesses the ability to perform.

That is, Waytena et al. provides for a scenario in which a patron reserves a time and then returns at that time to utilize the attraction, wherein other patrons may be waiting in a traditional waiting line. In this scenario, when the patron who holds the reservation redeems the reservation and thereby bypasses a patron waiting in the traditional waiting line, this scenario renders obvious this claimed feature since the wait time for the reservation line will be less than the wait time for the traditional waiting line. Furthermore, this feature would also be obvious since this is the very reason why Waytena et al. created the second waiting line, that is, to reduce the amount of time waiting in line. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a reservation line with a wait time which is less than the wait time of a traditional waiting line since this would allow patrons more time to spend at other parts of the theme park.

As per claim 20, Waytena et al. teaches the patron entering a priority request on a wireless device (e.g. "PCD"; Figure 1 element 102).

As per claim 22, Waytena et al. further teaches the patron being provided access to the attraction based on a keying operation performed on a wireless device (e.g. "button clicking"; C14 L36-51).

As per claim 29, Waytena et al. further teaches distributing the media to a device in the customer's possession (e.g. transmitting potential and confirmed reservation times to the PCD; Figures 5A - 5E).

As per claim 30, the rejection of claim 22 is equally applied herein.

As per claim 38, Waytena et al further teaches displaying a return time for validation on a screen of a wireless device (e.g. Figures 5A - 5E).

8. Claims 21, 23, 33-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claim 19 above, in view of Croughwell et al., U.S. Patent No. 5,966,654.

As per claims 21, 23, 33-34 and 37, Waytena et al. does not specifically teach the PCD's being cellular telephones.

Croughwell et al. teaches a cellular telephone being utilized to schedule reservations for attractions located at a theme park (e.g. title, Figure 16 and claims 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Croughwell et al. into the system disclosed by Waytena et al. for the purpose of allowing a simple, reliable wireless means by which the reservations may be made while the patron is remotely located to the attraction utilizing the cellular telephone network described by Waytena et al.

With reference to pending claims 23 and 34, it is noted that Waytena et al.'s combined system adequately discloses a keying operation since Waytena et al., as already described with reference to the rejection of claim 22 above, teaches the feature.

With reference to pending claim 37, it is noted that Waytena et al.'s combined system adequately discloses displaying the return time on a screen since Waytena et al., as already described with reference to the rejection of claim 38 above, teaches this feature.

9. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claim 29 above, in view of DeLorme et al., U.S. Patent No. 5,948,040.

As per claims 31-32, Waytena et al. does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code.

DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which a verification or validation receipt could be viewed an utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

10. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al. in view of Croughwell et al., as applied to claim 33 above, in view of DeLorme et al., U.S Patent No. 5,948,040.

As per claims 35-36, Waytena et al.'s combined system does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code.

DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which

a verification or Validation receipt could be viewed an utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald D Hartman Jr.
Patent Examiner
Art Unit 2121

Ronald D Hartman Jr.
2/19/2007

February 19, 2007
RDH

x ROH